

**REMARKS**Rejection of Claims 1-9 under 35 U.S.C. § 103 (a) as being unpatentable over US 2005/0028208 (Ellis) in view of US 6,437,836 (Huang)

Applicant respectfully traverses the rejection of claims 1-9. Reconsideration is respectfully requested.

Applicant respectfully submits that the combination of Ellis and Huang does not teach or suggest all the claim limitations as set forth in independent claims 1, 3, 5, 6, and 8. For example, independent claim 1 recites “a remote control means at one or more customer premises... for issuing commands to said headend... to provide data to said one or more peripherals.” Independent claim 3 recites “a remote control coupled to said headend... for issuing wireless commands... to said headend to invoke services provided by said headend circuit.” Independent claim 5 recites “a remote control means at each customer premises... for issuing commands to said digital video headend circuit and to said central office headend server... to provide data to said one or more peripherals.” Independent claim 6 recites “a remote control means at each customer premises... for issuing commands to said cable television headend circuit... to provide data to said one or more peripherals.” Independent claim 8 recites “a remote control at each customer premises... for at least sending data and commands to said central office internet server... to cause bidirectional data transfers between said gateway and said internet server” which are not taught or suggested in the combination of Ellis and Huang.

Ellis is directed to a technology in interactive television program guide video systems for providing remote access to program guide functionality. The technology is implemented by implementing a remote program guide on a remote program guide

access device. The remote program guide and the remote program guide access device provide users with the opportunity to remotely access features of a program guide on a television program guide equipment and to remotely set program guide settings. The technology provides an interactive television program guide system for a household in which multiple program guides within the household are coordinated. See Ellis, paragraph [0001], [0014], [0022].

Huang is directed to a technology relating to remote control systems for controlling receiver devices. The technology is implemented using a personal digital assistant (PDA) as a platform. The PDAs functionality is extended by displaying information e.g. an electronic program guide (EPG). A user can select a program from the EPG displayed on the PDA (remote control). The user input is transmitted as codes to a remote receiver device e.g., Television. In response to the received codes, the remote receiver device tunes to the selected program. See Huang, col. 1, lines 8-12, col. 3, lines 55-60, col. 8, lines 1-3, lines 23-26.

The Office Action dated February 21, 2008 in item 4, page 4, states that “Ellis fails to show explicitly that the remote control can control the EPG and the data upstream and downstream.” Applicant agrees with the Office Action that Ellis fails to disclose “a remote control means at one or more customer premises... for issuing commands to said headend... to provide data to said one or more peripherals.” However, the Office Action appears to rely on Huang for such. The Office Action specifically refers to Huang’s personal digital assistant having a keypad with directional keys that allow for selection of programming on an electronic program guide of Huang as describing or being analogous to Applicant’s above such feature. However, Applicant’s claim recites “a remote control... for issuing commands to said headend... to provide data to one or more peripherals.” In contrast, Huang merely

discloses a personal digital assistant for selection of a program from an electronic program guide displayed on the PDA's screen and tuning a television program to the selected program. See Huang, col. 5, lines 22-30 and col. 8, lines 22-23. Thus, Huang nowhere discloses Applicant's "remote control... for issuing commands to said headend... to provide data to one or more peripherals."

Applicant respectfully disagrees with the statement in item 4, page 6, of the Office Action dated February 21, 2008 that Ellis discloses "a remote control... for issuing wireless commands... to said headend to invoke services provided by said headend circuit." The Office Action specifically refers to a remote program guide access device of Ellis as describing or being analogous to Applicant's remote control. However, according to Applicant's claims, the remote control issues commands to a headend through a gateway at customer premises and a transmission medium to control services provided by the headend circuit to peripheral devices. In contrast, the program guide access device in Ellis, at most, is connected to a television distribution facility. The television facility receives program guide data from a main facility over a communication path such as a satellite link. See Ellis, paragraphs [0066] and [0072]. Also, the Office Action on pages 3-4 equates Ellis's television distribution facility to Applicant's "gateway means at customer premises." Thus, Ellis nowhere discloses that the program guide access device issues commands to a headend to invoke services provided by the headend.

Further, according to Applicant's specification on page 13, lines 27-29, the remote control has its own address in the system as a separate peripheral. Thus, the remote control can order and have video programs or game data or any data supplied by the headend sent directly to it. In contrast, Ellis's program guide access device merely coordinates multiple television program guides within a household. See Ellis,

paragraph [0022]. Thus, Ellis fails to disclose Applicant's "a remote control... for issuing wireless commands... to said headend to invoke services provided by said headend circuit."

Similarly, Applicant's claim 5 recites "a remote control means at each customer premises... for issuing commands to said digital video headend circuit... to provide data to said one or more peripherals." As discussed above, both Ellis and Huang fail to disclose that the program guide access device issues commands to a headend to provide data to one or more peripheral devices.

Similarly claim 6 recites "a remote control means at each customer premises... issuing commands to said cable television headend... to provide data to said one or more peripherals." As discussed above, both Ellis and Huang fail to disclose that the program guide access device issues commands to a headend to provide data to one or more peripheral devices.

Applicant's claim 8 recites "a remote control at each customer premises... for at least sending data and commands to said central office internet server... to cause bidirectional data transfers between said gateway and said internet server" As discussed above, both Ellis and Huang fail to disclose that the program guide access device issues commands to a headend to provide data to one or more peripheral devices.

For the above reasons, Applicant submits that claims 1, 3, 5, 6, and 8 are not obvious in view of the combination of Ellis and Huang, and therefore that the rejection of claims 1, 3, 5, 6, and 8 (a) under 35 USC 103(a) should be withdrawn. Applicant requests that claims 1, 3, 5, 6, and 8 now be passed to allowance.

Dependent claims 2, 4, 7, and 9 depend from, and include all the limitations of independent claims 1, 3, 6, and 8 respectively. Therefore, Applicant respectfully

requests the reconsideration of dependent claim 2, 4, 7, and 9 and requests withdrawal of the rejection.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

Dated: April 21, 2008

Respectfully submitted,

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